THE HONOURABLE MRS. JUSTICE T. MEENA KUMARI

AND

THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT APPEAL Nos. 212 of 2001, 1153 of 2002, 1154 of 2002, WRIT PETITION Nos. 23503 of 2000, 1753 of 1999 and 20963 of 2000

COMMON JUDGMENT:

(Per T. Meena Kumari, J

Writ Appeal Nos. 212 of 2001, 1153 of 2002 and 1154 of 2002 have been filed by the respondents in Writ Petition Nos. 2995 of 1999, 36902 of 1998 and 8139 of 1999 challenging the order of the learned Single Judge, dated 26.9.2000 directing the appellants herein to make the balance of payment to the respondents within a period of four weeks from the date of receipt of a copy of the order and in default to pay interest @ 18% per annum from the date of filing the Writ Petition till payment.

Since the Writ Petition Nos. 23503 of 2000, 1753 of1999 and 20963 of 2000 are also connected and similar in nature, the Writ Petition Nos. 23503 of 2000, 1753 of 1999 and 20963 of 2000 are also disposed of along with the above Writ Appeals by a common judgment.

The case of the respondents/petitioners in the Writ Petitions is that during the assassination of former Sarpanch by name Y.S. Raja Reddy of Pulivendula, a serious violation took place on 23.5.2008 and there was a large scale destruction of public property and number of persons lost their property. The Government has issued G.O.Ms.No. 112, dated 20.6.1998 directing payment of ex-gratia to the victims of arson and to pay damages to the owners of private properties @ 75% of the loss incurred as per the assessment made in terms of P.W.D. norms subject to a ceiling of Rs. 4,00,000/- in each case. In some cases, the Government had not paid any amount, hence, the respondents in Writ Appeals have filed Writ Petition Nos. 2995 of 1999, 36902 of 1998 and 8139 of 1999 and the learned Single Judge, while allowing the said Writ Petitions has observed that the Committee constituted under the G.O. had assessed the value of the property lost. But, however, the Collector has not paid the entire amount and withheld substantial part of the amount for the

reasons best known to him. With the above observations, the Writ Petitions were allowed and directed the respondents to make the balance payment to the petitioners within a period of four weeks from the date of receipt of a copy of the order, in default, the respondents shall pay interest @ 18% per annum from the date of filing of the writ petitions till the payment.

Heard both sides and perused the entire record placed before this Court.

The learned Government Pleader submits that even though the Government has issued the G.O.Ms.No. 112, dated 20.6.1998, the contents of the G.O. goes to show that the Government has decided to pay ex-gratia and damages to the owners of the properties including petty shops @ 75% of the loss incurred as per the assessment made in terms of the P.W.D. norms subject to a ceiling of Rs. 4,00,000/- in each case. In pursuance of the said G.O. the Committee consisting of technical persons constituted by the Collector has to evolve the damages and the payment has to be made as per the P.W.D. norms. In view of the above, we are of the opinion that, if the damages as assessed by the Committee as per the P.W.D. norms, it would suffice if the Collector should be given liberty to release the balance of the amount after giving credit to the amount already paid by the Government to the persons, who were effected during the assassination of former Sarpanch by name Y.S. Raja Reddy of Pulivendula, towards the ex-gratia and damages to the private persons including the petty shops, who have lost their petty shops.

Under the above circumstances, Collector is at liberty to release the balance amount, after affording an opportunity to both the parties if the damages are as assessed by the Committee as per the P.W.D. norms

With the above observations, the Order of the learned Single Judge is modified and the Writ Appeals are disposed of and the Writ Petitions are allowed.

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T. MEENA KUMARI, J

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RAMESH RANGANATHAN, J

8.7.2008

CHV